

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

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Applicant's or agent's file reference AX030098WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/ES2003/000524	International filing date (day/month/year) 14.10.2003	Priority date (day/month/year) 14.10.2003
International Patent Classification (IPC) or both national classification and IPC A47G1/00		
Applicant ALGOTOP, S.L. et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 06.05.2005	Date of completion of this report 27.02.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Vistisen, L Telephone No. +31 70 340-2943



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EXAMINATION REPORT**

International application No. **PCT/ES2003/000524**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-10 as originally filed

Claims, Numbers

1-17 as originally filed

Drawings, Figures

1, 2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6-10 12-14 16 17
	No: Claims	1-5 11 15
Inventive step (IS)	Yes: Claims	14
	No: Claims	1-13 15-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations
see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: WO 01 87581 A1

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

- 2.1 The document D1 discloses (the references in parentheses applying to this document):

A non-slip device for personal use items, comprising a body (1) of elastomeric material with a first side that can be coupled to a surface of a personal use item, and a second side opposite to the first one and provided with non-slip properties, where said body comprises a flattened band (2), said band (2) being formed such that once it is adhered to the surface of the personal use item, it defines on said surface at least one surface section (3) intended for optionally housing an auxiliary element, said surface section (3) being at least partially surrounded by the band (2).

3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 16 does not involve an inventive step in the sense of Article 33(3) PCT.

- 3.1 The document D1 is regarded as being the closest prior art to the subject-matter of claim 16, and discloses:

A manufacturing process for a non-slip device for personal use items as claimed in the previous claims, of the type by means of underwater injection moulding without using a roller, including the following steps:

- closing the injection machine press with the moulds inside,
- introducing in the screw device the thermoplastic material in pellet form through a respective feed hopper with the desired colouring material,
- heating the cylinder of the screw device to cause the melting of the introduced material,
- making the screw device rotate at a high speed with a low

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counter-pressure in order to introduce the material into the injection machine press until filling the corresponding moulds,

- leaving the material introduced in the press to cool as a result of the cooling action of the fluid circulating through the inside of the press,
- opening the press and subsequently the moulds inside, and actuating the ejectors in combination with driving means of the bottom of the impression so as to drag the parts by gravity to a corresponding collection hopper, and
- expelling the cold casting pieces.

3.2 The subject-matter of claim 16 therefore differs from this known method in that: a single sheet or strip of non-slip material is obtained which is subsequently die-cut in order to obtain the non-slip devices with an internal cavity.

3.3 The problem to be solved by the present invention may therefore be regarded as selecting a suitable method of carrying out a final shaping of the non-slip device.

3.4 The solution proposed in claim 16 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) as applying this step is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

4 Dependent claims 2-13, 15 and 17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step.

5. The combination of the features of dependent claim 14 (and by claim dependency 5,6,8) is neither known from, nor rendered obvious by, the available prior art. The reasons are that starting from the non-slip device known from D1, the skilled person would not consider connecting the strip and the auxiliary element as this would require additional inventive modifications to that device.